

REMARKS

Claims 1-24 are pending in this application. Claims 1-24 stand rejected. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 2 of the Office Action rejects claims 1, 2, 4, 5, 7, 8, 13, 14, 16, 17, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art in view of U.S. Patent No. 5,842,162 ("Fineberg"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Among the limitations of Applicant's independent claims not present in the disclosed combination is a feature detection processing section extracting features of the audio information on the basis of the scaling factors outputted from the scaling section.

As disclosed in the present specification, a sound information extraction section extracts sound information on the basis of the scaling factor values acquired in the scaling section. In one embodiment, the sound information extracting section includes a signal level calculating section and a featured detection processing section.

The signal level calculating section calculates a signal level of each sub-band using the scaling factor value. The feature detection section, for example, detects soundless intervals and detects sound on the basis of the signal levels calculated by the signal level calculating section. The feature detection processing section analyzes the input signal using one of several methods such as comparing a maximum and minimum value of signal levels over time, whether the signal levels in a predetermined time are below a threshold level, comparing the absolute value of calculated signal with a threshold value, and the like. It should be noted that the feature detection processing section extracts features based on the scaling factors from the scaling section. The scaling section calculates a scaling factor value indicating the multiplying power in units of each of the sub-bands. None of these features are disclosed in Fineberg.

In Fineberg, sound samples for an analysis frame are passed through a high frequency pre-emphasizing filter to whiten the spectrum of the sound samples. This increases the relative energy of the high frequency components as compared to the energy of the low frequency components. The pre-emphasized sound signal samples for each analysis frame are then band pass filtered by a series of filters covering different frequency bands. The filters are applied in a manner either in the time or frequency domain. A power spectrum of the pre-emphasized sound signal samples is determined prior to the filtering step. After the values for the power spectrum are determined, the band pass filters are applied in the frequency domain by a filter weighting value for each of the power spectrum values. However, at no time does Fineberg disclose feature detection based on the scaling factor or the multiplying power for each of the sub-bands. As such, Applicant respectfully submits that claims 1, 4, 7, 10, 13, 16, 19, and 22 are allowable over the combination of Applicant's admitted prior art and Fineberg.

Claims 2-3 depend from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the

limitations of claim 1, are neither disclosed nor suggested by Applicant's admitted prior art or Fineberg and are also believed to be directed towards the patentable subject matter. Thus, claims 2-3 should also be allowed.

Claims 5-6 depend from, and contain all the limitations of claim 4. These dependent claims also recite additional limitations which, in combination with the limitations of claim 4, are neither disclosed nor suggested by Applicant's admitted prior art or Fineberg and are also believed to be directed towards the patentable subject matter. Thus, claims 5-6 should also be allowed.

Claims 8-9 depend from, and contain all the limitations of claim 7. These dependent claims also recite additional limitations which, in combination with the limitations of claim 7, are neither disclosed nor suggested by Applicant's admitted prior art or Fineberg and are also believed to be directed towards the patentable subject matter. Thus, claims 8-9 should also be allowed.

Claims 11-12 depend from, and contain all the limitations of claim 10. These dependent claims also recite additional limitations which, in combination with the limitations of claim 10, are neither disclosed nor suggested by Applicant's admitted prior art or Fineberg and are also believed to be directed towards the patentable subject matter. Thus, claims 11-12 should also be allowed.

Claims 14-15 depend from, and contain all the limitations of claim 13. These dependent claims also recite additional limitations which, in combination with the limitations of claim 13, are neither disclosed nor suggested by Applicant's admitted prior art or Fineberg and are also believed to be directed towards the patentable subject matter. Thus, claims 14-15 should also be allowed.

Claims 17-18 depend from, and contain all the limitations of claim 16. These dependent claims also recite additional limitations which, in combination with the

limitations of claim 16, are neither disclosed nor suggested by Applicant's admitted prior art or Fineberg and are also believed to be directed towards the patentable subject matter. Thus, claims 17-18 should also be allowed.

Claims 20-21 depend from, and contain all the limitations of claim 19. These dependent claims also recite additional limitations which, in combination with the limitations of claim 10, are neither disclosed nor suggested by Applicant's admitted prior art or Fineberg and are also believed to be directed towards the patentable subject matter. Thus, claims 20-21 should also be allowed.

Claims 2-3 depend from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Applicant's admitted prior art or Fineberg and are also believed to be directed towards the patentable subject matter. Thus, claims 2-3 should also be allowed.

Claims 23-24 depend from, and contain all the limitations of claim 22. These dependent claims also recite additional limitations which, in combination with the limitations of claim 22, are neither disclosed nor suggested by Applicant's admitted prior art or Fineberg and are also believed to be directed towards the patentable subject matter. Thus, claims 23-24 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 10/046,719

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If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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